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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/746,963	12/21/2000	Kefeng Liu	043377.0011	1155

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08/27/2003

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EXAMINER

LOBO, IAN J

ART UNIT

PAPER NUMBER

3662 *remail 9-17-03*

DATE MAILED: ~~08/27/2003~~

DRS

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/746,963

Applicant(s)

LIU ET AL.

Examiner

Ian J. Lobo

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-- Th MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14, 16, 17, 19 and 20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-8 is/are allowed.
- 6) ☒ Claim(s) 9-14, 16, 19 and 20 is/are rejected.
- 7) ☒ Claim(s) 17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. The affidavit under 37 CFR 1.132 filed October 23, 2002, upon further consideration, is sufficient to overcome the rejection of claims 1-20 based upon the 35 USC 112, first paragraph rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 9-14 are rejected under 35 U.S.C. 102(b) as being anticipated by the patent to Kim et al ('095).

The patent to Kim et al discloses a hybrid electromagnetic wave absorber that provides radio frequency absorbing performance in the frequency range of 30 MHz to 30 GHz (col. 1, lines 10-20).

With respect to claim 9, the Kim et al absorber (see Fig. 1) includes a layer (2) comprising a surface and a coating (3) that covers a predetermined portion of the surface that is less than the entire surface. It is noted that although Kim et al do not use the word "coating" the terminology in Kim et al "a tapered cone of ferrite or ferrite composite material 3 is arranged thereupon in a regular form" reads upon a "coating" as claimed. Claim 9 is so rejected.

With respect to claim 10, the tapered cone reads upon a predetermined shape.

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With respect to claims 11, 12 and 13, the additional tapered cones read upon the "at least one additional coating" as claimed and the multiples cones read upon the claimed "two elements".

Claim 14 is anticipated by Kim et al in as much as the layer (2) of Kim et al has a predetermined thickness.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 16, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over the patent to Kim et al ('095).

With respect to claim 16, the aforementioned patent to Kim is hereby applied. The distinction or "difference" between instant claim 16 and the Kim et al structure is the claim specifies that the coating shape is "varied as a design parameter ...". Kim et al shows a "tapered cone" which reads upon a "coating shape". On col. 3, lines 22-24, suggest that the height of the tapered cone may be reduced to the minimum level". In as much as the height reduction is a parameter that may be varied, it would appear that the claimed limitation to a coating shape being varied as a design parameter is obvious over the teachings of Kim et al.

Claims 19 and 20 are further disclosed by the Kim et al patent (see the rejections of claims 9 and 12 in paragraph 3 above).

Allowable Subject Matter

6. Claim 17 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Claims 1-8 are allowed.

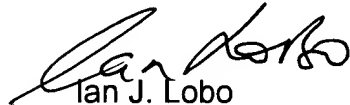
Response to Arguments

8. Applicant's arguments with respect to claims 9-14, 16, 19 and 20 have been considered but are moot in view of the new ground(s) of rejection.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ian J. Lobo whose telephone number is (703) 306-4161. The examiner can normally be reached on Mon - Fri, 6:30 - 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas H. Tarcza can be reached on (703) 306-4171. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.


Ian J. Lobo
Primary Examiner
Art Unit 3662

ijl